

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

PUBLIC SERVICES - Commercial Taxes Department - Allegation of embezzlement of Government money & temporary misappropriation of tax Collection - Initiation of disciplinary Action against Sri S. Santhosham, Assistant Commercial Tax Officer (Retd) - Enquiry conducted - Charges proved - Major Penalty of withholding of pension and gratuity in full permanently imposed against the Accused Officer -Andhra Pradesh Administrative Tribunal set-aside the orders in O.A. No.4226/2008 with certain directions - Implemented - Show-cause notice issued - Explanation received - Imposition of a penalty of 50% cut in pension for a period of 5 years - Orders - Issued.

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**REVENUE (VIG.I) DEPARTMENT**

**G.O.Rt.No. 1469**

**Dated:12 -12-2011.**

**Read the following:**

- 1) The D.C. (CT) Proc.Ref.No.P1/2435/2002, dt.19.10.2006.
- 2) The Hon'ble APAT Order, dt.19.10.2010 in O.A No.4226/2008.
- 3) Govt. Memo No. 24663/Vig. I(2)/2005, Rev. (Vig. I) Dept. Dt: 10.2.2011.
- 4) G.O.Rt.No.224, Revenue (VIG.I) Department, dt.18.02.2011
- 5) Govt. Memo.No.24663/Vig.I(2)/2005, dt.25.02.2011.
- 6) From Sri S. Santhosham, ACTO (Retd.) representation, dated 21.2.2011.
- 7) From the GP for Rev. (Ser.) APAT, Letter No. 4226/2008/SGR/APAT, Dt: 17.11.2011.
- 8) Govt. Letter No: 24663/Vig-I(2)/2005, dt:21.11.2011.
- 9) Letter from the APPSC., No.1772/RT-I/2/2011, Dt.29.11.2011.

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**ORDER:**

Sri S. Santosham, Assistant Commercial Tax Officer (Retd.), while working as Assistant Commercial Tax Officer, Office of the Commercial Tax Officer, Tanuku, had committed certain irregularities by handing over signed blank tax receipts to the Senior and Junior Inspectors and thereby giving scope for misappropriation of Government money. Therefore, Article of Charges were framed against him along with others and the matter was got inquired into. The Enquiry Officer i.e., Deputy Commissioner (Commercial Taxes), Eluru concluded that the Accused Officer is responsible for the misappropriation and the charges leveled constitute grave misconduct on his part. Therefore, the Deputy Commissioner (Commercial Taxes), Kakinada, vide reference 1<sup>st</sup> read above, has imposed a major penalty of withholding of pension and gratuity in full permanently against the Charged Officer, viz., Sri S. Santosham, Assistant Commercial Tax Officer (Retd.). In the case of two others involved in this case, he imposed the penalty of dismissal from service.

2) Aggrieved by the above, Sri S. Santosham, Assistant Commercial Tax Officer (Retd.) filed O.A. No.4226/2008 and the Hon'ble Andhra Pradesh Administrative Tribunal in its orders in the reference 2<sup>nd</sup> read above, while setting aside the impugned orders of the Deputy Commissioner (Commercial Taxes), Kakinada on the ground of want of jurisdiction and directed to pay the pensionary benefits. The Andhra Pradesh Administrative Tribunal has also directed that the competent authority can still pass final orders treating the departmental proceedings deemed to be pending and pass the final orders within three months from the date of receipt of the orders. The said orders were received by the Government on 16.11.2010.

**Contd..P.2.,**

3) Government, after careful examination of the matter in detail, keeping in view the findings of the Enquiry Officer and the relevant records find that the Accused Officer was guilty of gross negligence/dereliction of duties and poor supervision. The action of the Accused Officer in handing over blank signed tax receipts, non-verification of remittances of tax amounts collected to the Treasury abetted commission of the misappropriation by the Sub-ordinate officials. Government therefore, decided to impose a penalty of 50% cut in pension for a period of five years on Sri S. Santosham, Assistant Commercial Tax Officer (Retd.). Accordingly, the provisional decision to impose the above penalty was communicated to the individual directing to submit his representation thereon for taking further action in the matter, vide reference 3<sup>rd</sup> read above.

4) In the reference 4<sup>th</sup> read above, orders were also issued implementing the orders of Hon'ble Tribunal duly sanctioning provisional pension to the applicant, viz., Sri S. Santosham, Assistant Commercial Tax Officer (Retd.) to an extent of 75% of the normal pension to which he is entitled as per the instructions issued in G.O. Ms. No.1097, Finance & Planning (FW.Pen.I) Department, dt.22.06.2000 with effect from the next day of the date of his retirement i.e, from 01.10.2003 together with 8% interest upto the date of payment of arrears. It was also ordered for release of gratuity along with interest i.e.,4.5% for the period beyond three months and upto 1 year and 5% per annum beyond one year after the gratuity became due and payable as per the instructions issued in Circular Memo No.16077/135/A2/Pen.I/2004, Finance (Pen.I) Deptt., dt.20.02.2006.

5) It was also decided to seek the permission of Hon'ble Andhra Pradesh Administrative Tribunal to complete the disciplinary proceedings and accordingly vide reference 5<sup>th</sup> read above, the Commissioner of Commercial Taxes was requested to file miscellaneous application seeking extension of further time before the Andhra Pradesh Administrative Tribunal in OA.No. 4226/2008 filed by Sri S. Santhosham, Assistant Commercial Tax Officer (Retd.). Accordingly, he filed MA.No. 606/2011 in OA.No.4226/2008.

6) Sri S. Santhosham, Assistant Commercial Tax Officer (Retd.), vide reference 6<sup>th</sup> read above, has submitted his representation. Among others, he has stated that Sri K. Santha Rao, Junior Inspector and Sri K. Mohan Babu, Senior Inspector were responsible for misappropriation of Government Revenue by noting fictitious challan numbers on the back side of the last cash receipts of the day. There was no willful gross negligence and violation of any rules, while performing his official duties as he discharged his duties properly and efficiently without any adverse remarks and punishments. He has not violated the conduct rules as quoted in the Memo. The only lapse pointed out by the learned inquiring authority was lack of supervision and control over his subordinates. The misappropriation of Government money has been done by the Inspectors and the entire amount of Rs.3,83,526/- has been remitted into Government treasury by him and there was no loss to Government, and requested to examine his coherent explanation from a practical point of view rather than take a theoretical view and to release the full pension and retirement benefits without any reduction from the date of his retirement, as ordered by the Tribunal.

7) Government have examined the representation of Sri S. Santosham, Assistant Commercial Tax Officer (Retired) and observe that the misappropriation of Government revenue took place only due to the negligence and dereliction of duties by the Accused Officer and irregular action of handing over signed blank receipts to the Inspectors by the Delinquent Officer. Hence, it was decided to confirm the provisional decision i.e., to impose a punishment of 50% cut in pension for a period of 5 years against Sri S. Santhosham, Assistant Commercial Tax Officer (Retd.).

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8) And whereas, in the reference 7<sup>th</sup> read above, the Government Pleader for Revenue (Ser.) Andhra Pradesh Administrative Tribunal has informed that the Hon'ble Andhra Pradesh Administrative Tribunal, after hearing both sides, allowed the MA with a direction to complete the enquiry within one month from the date of their orders i.e., from 17.11.2011.

9) And whereas, in the reference 8<sup>th</sup> read above, the Secretary, A.P. Public Service Commission was requested to accord concurrence of the Commission on the proposed punishment of 50% cut in pension for a period of 5 years against Sri S. Santhosham, Assistant Commercial Tax Officer (Retd.) for taking further action in the matter.

10) And whereas, in the reference 9<sup>th</sup> read above, the Secretary, A.P. Public Service Commission has stated that the Commission agrees with the proposal of the Government to impose the punishment of 50% cut in pension for a period of 5 years against the above Delinquent Officer.

11) Government, after careful examination of the matter, hereby decide to impose the punishment of 50% cut in pension for a period of 5 years against the Delinquent Officer Sri S. Santhosham, Assistant Commercial Tax Officer (Retd.), under Rule 9 of A.P. Revised Pension Rules, 1980, since the misappropriation of Government revenue took place only due to the negligence and dereliction of duties by the Accused Officer and irregular action of handing over signed blank receipts to the Inspectors by the Delinquent Officer.

12) Now, therefore, in exercise of the powers conferred under rule 9 of A.P. Revised Pension Rules, 1980 read with rule 20 of the A.P. Civil Services (CC&A) Rules, 1991, Government hereby impose the punishment of 50% cut in pension for a period of 5 years against Sri S. Santhosham, Assistant Commercial Tax Officer (Retd.). Copy of the advice of the A.P. Public Service Commission, dt.29.11.2011, as required under Rule 23 of the A.P.C.S (CC&A) Rules, 1991, is herewith furnished to the individual.

13) The Commissioner of Commercial Taxes, A.P, Hyderabad shall take necessary action in the matter, accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
Sri S.Santhosham, ACTO ( Retd.)  
through the Commissioner of Commercial Taxes, A.P. Hyderabad.  
The Commissioner of Commercial Taxes, A.P. Hyderabad  
Copy to:  
The Accountant General, A.P., Hyderabad.  
The Director of Treasuries and Accounts, AP., Hyderabad.  
The Principal Secretary, A.P. Public Service Commission, Nampally, Hyd.,  
(With reference to Lr.No. 1772/RT-I/2/2011, dt.29.11.2011.)  
PS to Principal Secretary to Government, Revenue Department  
The Deputy Commissioner (CT), Kakinada, East Godavari District.  
The Government Pleader for Revenue (Services),APAT, Hyd.,  
The Revenue (CT.I) Department.  
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//Forwarded :: By Order //

**SECTION OFFICER.**